

U.S. Department of Housing and Urban Development
Office of Healthy Homes and Lead Hazard Control

Special Attention of:
Multifamily HUB/PC Directors for Housing
Multifamily Supervisory Project Managers
Regional Directors
Field Office Directors

Notice: H/OHHLHC-03-01
Issued: 08/15/2003
Expires: 09/15/2004

Cross References:
65 Federal Register 54858,
September 11, 2000
OHHLHC-01-06, October 23, 2001
OHHLHC-02-02, April 18, 2002

SUBJECT: Lead Safe Housing: Notice of Extension of Date Certain Owners of Housing
Receiving Project-Based Section 8 Assistance Must Complete Risk Assessments

PURPOSE: This notice implements an extension of the date by which certain owners of multifamily housing constructed before 1978 receiving more than \$5,000 per unit annually in project-based Section 8 assistance must complete risk assessments under the Lead Safe Housing Rule. For properties not enrolled in HUD's no-cost lead-based paint inspection/risk assessment (evaluation) program, HUD is providing another opportunity to enroll in the program. Specifically, the deadline for completing the risk assessment for properties enrolled in the lead evaluation program is extended until HUD's evaluation contractors have completed the evaluations. This deadline extension covers properties for which the owners have already enrolled in the program, or owners who notify HUD that they want to participate in the program by September 15, 2003.

BACKGROUND: On September 15, 1999 (64 FR 50140), HUD published a new regulation amending 24 CFR Part 35 to streamline, modernize, and consolidate all lead-based paint requirements in federally assisted housing and housing being sold by the federal government to ensure that children are adequately protected from lead poisoning. The effective date of the regulation was September 15, 2000, to enable owners impacted by the regulation to prepare for its implementation. On September 11, 2000 (just before the effective date), HUD published a Transition Assistance Policy to assist in the transition to the new regulation at 65 FR 54858.

The Department's Transition Assistance Policy included a commitment by HUD to pay for lead based paint inspections and risk assessments in multifamily project-based Section 8 housing receiving more than \$5,000 per unit annually. HUD developed this program to assist owners in: 1) determining whether or not lead-based paint is present at their property; and 2) determining where lead-based paint hazards may exist on their property (if applicable). (See HUD's September 11, 2000, Notice of Transition Assistance and the related Transition Strategy to Implement HUD's Lead Safe Housing Regulation, posted at www.hud.gov/offices/lead). Initially, the Lead Evaluation Program was administered by HUD's Real Estate Assessment Center (REAC); However, in 2002, the program was transferred to the Office of Healthy Homes

and Lead Hazard Control (OHHLHC), which has contracted for these inspections and assessments. HUD provided previous notices to all project-based housing owners inviting them to participate in this free inspection service. HUD issued Notices OHHLHC-01-06 and OHHLHC-02-02 that extended the date for completing risk assessments to August 31, 2002, for those owners enrolled by May 15, 2002, and extended the date to November 30, 2001, for those owners who chose not to enroll.

EXTENSION: HUD is extending the date by which certain owners of multifamily properties constructed before 1978 receiving more than \$5,000 per unit annually in project-based Section 8 housing assistance must complete risk lead-based paint assessments under HUD's Lead Safe Housing Rule. For these owners, this Notice is extending the date for completing risk assessments as follows:

- Owners of properties built before 1960 who enrolled in HUD's lead evaluation program by May 15, 2002 are considered to be in compliance with the August 31, 2002, deadline, and are required to eliminate any lead-based paint hazards according to the schedule in the Rule.
- Owners of properties built from 1960 to 1977 who have previously asked for the properties to be enrolled in the program are considered to be in compliance with the Rule's September 15, 2003 deadline, and are required to eliminate any lead-based paint hazards according to the schedule in the Rule.
- Owners of other properties built before 1978 have an opportunity to enroll in the program. Interested owners should submit their name, telephone number, and, for each property they wish to enroll, the property name, property address, and Real Estate Management System (REMS) identification number to Mr. Elliott Johnson at the address below, by mail, delivery service, fax or e-mail by September 15, 2003. The date the information is sent (postmark, delivery service acceptance, faxing or e-mailing date) shall be used. If a property is enrolled, the owner is considered to be in compliance with the Rule's September 15, 2003, deadline, and is required to eliminate any lead-based paint hazards according to the schedule in the Rule.

The extension is applicable only to those owners who enroll in HUD's lead evaluation program. Owners who enroll in the program have demonstrated cooperation and a desire to comply with the regulation. The owners' continued cooperation in providing access to their properties and assistance to the HUD contractor will be necessary to maintain their enrollment.

For those owners who have chosen not to enroll in the HUD lead evaluation program, HUD is not extending the September 15, 2003, date in the Lead Safe Housing Rule by which risk assessments in 1960-1977 housing must be completed, nor the November 30, 2001, date for pre-1960 housing.

This extension does not apply to:

- The treatment of any lead-based paint hazards identified, and does not change the applicable schedules in the Rule by which the owner must treat those hazards, incorporate on-going lead-based paint maintenance and reevaluation into regular building operations, and respond to a child under 6 years of age with an environmental intervention blood lead level residing in a project-based assisted unit.
- Owners who receive \$5,000 or less per unit per year in project-based housing assistance.
- Owners receiving single-family project-based housing assistance.

CONFIRMATION OF PARTICIPATION: To ensure that a property is included in the lead evaluation program, the property owner or management agent should view the property list on the HUD Multifamily website at www.hud.gov/offices/hsg/mfh/mfinfo.cfm and click the link for "Properties included in the Lead Evaluation Program." This list is divided by the program center office location and by the REMS identification number. If an owner believes that a property has been omitted erroneously from this list, the owner should provide HUD with a copy of a letter or e-mail that expressed interest in participation and was sent to HUD's Real Estate Assessment Center (REAC), which previously managed the lead evaluation program, or the owner should provide HUD with a copy of the notification of participation sent by REAC. Supporting documentation for enrollment must be dated no later than September 15, 2003, in order to be considered. Supporting documentation should be either mailed or faxed to:

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FOR FURTHER INFORMATION CONTACT: Elliott Johnson, Housing Project Coordinator, Lead Technical Assistance Division, Office of Healthy Homes and Lead Hazard Control; telephone (202) 755-1785, ext. 104 (this is not a toll free number); e-mail: lead_regulations@hud.gov. If you are a hearing- or speech-impaired person, you may reach the telephone number above via telephone or TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.
